

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

RESILIENT LIFE CARE, LLC
(Olya Stevens)

Plaintiff,

U.S.D.C. Case No. 22-cv-12554
Hon.:
L.C.C.N.: 22-000834-NF

-v-

ESURANCE INSURANCE COMPANY,
ESURANCE PROPERTY AND CASUALTY
INSURANCE COMPANY, and ESMI AUTO
INSURANCE COMPANY,

Defendants.

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**NOTICE OF FILING REMOVAL OF CAUSE TO THE UNITED STATES
DISTRICT COURT FOR THE EASTERN DISTRICT OF MICHIGAN,
SOUTHERN DIVISION**

TO: The United States District Court
Judges of the Above Court

NOW COMES, Defendants herein ESURANCE INSURANCE COMPANY,

ESURANCE PROPERTY AND CASUALTY INSURANCE COMPANY, ESMI AUTO INSURANCE COMPANY, by and through undersigned attorneys, and pursuant to 28 U.S.C.A. § 1332, 1441, and 1446, herewith files the within Notice of Removal pursuant to said statutes for the following reasons:

1. That on or about June 30, 2022, there filed, and is now pending in the Circuit Court for the County of Washtenaw, State of Michigan, a certain Complaint in civil action bearing Civil Docket No. 22-000834-NF in which Resilient Life Care, LLC. is Plaintiff, and the Defendants are Esurance Insurance Company, Esurance Property and Casualty Insurance Company, and ESMI Auto Insurance Company. (Exhibit A - Complaint).

2. That Plaintiff's complaints sought damages including future damages in excess of Seventy-Five Thousand (\$75,000.00) Dollars.

3. As such, pursuant to 28 U.S.C.A. § 1446(a), 28 U.S.C.A. § 1446(b)(3) and 28 U.S.C.A. § 1446(c)(3)(A) said action is a suit at common law of a civil nature, and the amount claimed, exclusive of interest and costs, exceeds the sum of Seventy-Five Thousand Dollars (\$75,000.00).

4. Defendant here with shows that said action involves a controversy with complete diversity of citizenship between citizens of different states and that Defendant affirmatively states that:

a. Plaintiff was, at the commencement of this action, is now and ever since has been a limited liability company with its sole member being Joseph C. Richert who was and is a citizen of the State of Michigan, and Plaintiff, therefore, was and is a resident and citizen of the State of Michigan.

b. Your Defendants are, at the commencement of this action, now and ever since have corporations duly created and organized under the laws of the State of Delaware with their principal place of business in California and New Jersey and by virtue of said organization, was and is a resident and citizen of the State of Delaware, State of New Jersey, and State of California therefore they are not corporations created or organized under the laws of the State of Michigan, and does not have its principal place of business in Michigan, and was not and is not a citizen of the State of Michigan.

c. Your Defendants do not have their principal place of business in Michigan, nor were they a citizen of the State of Michigan at any time material hereto whatsoever. That the principal place of business of Defendants is within the State of Illinois or State of New Jersey at all times material hereto.

5. That, therefore, this is a controversy between a citizen of the State of Michigan, on the one hand, as a limited liability company Plaintiff, and with with complete diversity as to your corporate Defendants, who have their principal place of business in a state other than Michigan, and have been incorporated or organized

pursuant to the laws of states other than Michigan, and thus, the controversy is wholly between citizens of different states involving a controversy of more than Seventy-Five Thousand Dollars (\$75,000.00) and that, with respect to said action, said action is one over which the District Court of the United States has been given original jurisdiction hereunder.

6. That the amount sued for and involved in the controversy exceeds the sum of Seventy-Five Thousand Dollars (\$75,000.00), exclusive of interest and costs, and that your Defendants, have filed an Answer in the Circuit Court for the County of Washtenaw, and that your Defendants, pursuant to 28 U.S.C.A. § 1446(3) now files this Notice of Removal within thirty (30) days of ascertaining that this case is one which is removable based upon Plaintiff's Complaint, attachments, and other papers regarding the Plaintiff's members and formation. 28 U.S. Code 1446(3) This case remains fully removable pursuant to the statutes above-cited for the within reasons.

7. That attached hereto and made a part hereof is a copy of the Complaint, Defendants Answer to Complaint, Affirmative Defenses, and Jury Demand and any other initial pleadings or other papers setting forth the claim for relief upon which the action is based by Plaintiff against these Defendants and that the time for filing of this Notice of Removal under the statutes of the United States have not expired and is herewith made timely. **(Exhibit A)**.

8. That a true and correct copy of this Removal has been filed with the Clerk of the Court for the Circuit Court for the County of Washtenaw, State of Michigan, and notice of the filing of the removal has been given to all parties as required by law. (**Exhibit B** – Notice of Removal).

9. That there is filed herewith, and reference is made hereto, and made a part hereof, a true and correct copy of all process and pleadings which have been served upon these Defendants in this action.

WHEREFORE, your Defendants whom are Delaware corporations with principal place of business in New Jersey and California pray, by undersigned counsel, that it may effect removal of the within action from the Circuit Court for the County of Washtenaw, State of Michigan, to the United States District Court for the Eastern District of Michigan, Southern Division.

Respectfully submitted,

ZAUSMER, PC

/s/A. Adam Post

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Dated: October 24, 2022

PROOF OF SERVICE

The undersigned certifies that copies of the foregoing document(s) was/were served upon all parties via e-mail and first class mail by placing same in envelopes addressed to each of the attorneys of record at their respective addresses as disclosed on these pleadings on October 24, 2022.

/s/Hope Houle
HOPE HOULE

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